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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, MARIELA
GONZÁLEZ, FREDDY JOSE ARAPE RIVAS,
M.H., CECILIA DANIELA GONZÁLEZ
HERRERA, ALBA CECILIA PURICA
HERNÁNDEZ, E.R., HENDRINA VIVAS
CASTILLO, A.C.A., SHERIKA BLANC, VILES
DORSAINVIL, and G.S.,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY, and UNITED STATES OF
AMERICA,

Defendants.

Case No. 3:25-cv-01766-EMC

**PLAINTIFFS' EMERGENCY
ADMINISTRATIVE MOTION TO
SHORTEN TIME AND SET BRIEFING
SCHEDULE RE: PLAINTIFFS'
EMERGENCY ADMINISTRATIVE
MOTION TO SHORTEN TIME AND
PLAINTIFFS' EMERGENCY MOTION
FOR COMPLIANCE WITH COURT
ORDER [ECF 279]**

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1 In accordance with Civil Local Rules 6-3 and 7-11 and this Court's rules and orders,
2 Plaintiffs respectfully move the Court to modify the briefing schedule with respect to Plaintiffs'
3 Emergency Administrative Motion to Shorten Time ("Motion to Shorten Time") and Plaintiffs'
4 Emergency Motion for Compliance with Court Order [ECF 279] ("Motion for Compliance"), filed
5 concurrently herewith.

6 In support of this Motion to Shorten Time and Set Briefing Schedule, Plaintiffs submit that
7 good cause exists to shorten time as set forth below:

8 1. This Motion is being filed concurrently with Plaintiffs' Motion for Compliance. The
9 Court has not yet set a briefing schedule with respect to Plaintiffs' Motion to Shorten Time or
10 Plaintiffs' Motion for Compliance.

11 2. On September 5, 2025, this Court held that Department of Homeland Security
12 Secretary Kristi Noem exceeded her statutory authority and acted arbitrarily when she vacated the
13 Venezuela TPS extension and, immediately thereafter, terminated the 2023 Venezuela TPS
14 designation. ECF 279 at 1–2. In the same Order, the Court also held that Secretary Noem's decision
15 partially vacating the extension of TPS for Haiti was illegal. *Id.* at This Court granted relief, setting
16 aside these decisions. *Id.* at 69.

17 3. Four days after this Court's order, however, Defendants have not updated the federal
18 government's official website so that it accurately describes the status of TPS for Venezuela. The
19 website currently reads that 2023 designation of TPS for Venezuela has been terminated, which is
20 false and inconsistent with the Court's order. *See* Decl. of MacLean, Ex. A.

21 4. On September 8, 2025, Plaintiffs' counsel emailed Defendants' counsel regarding
22 Defendants' failure to comply with this Court's order by failing to update the federal government's
23 USCIS TPS webpage for Venezuela detailing the status of TPS for Venezuela. *See* Decl. of
24 MacLean, Ex. B. Plaintiffs sought confirmation that Defendants updated the website that day in light
25 of the urgency "[g]iven the September 10, 2025 deadline for re-registration [for Venezuelan TPS
26 holders], and the fact that hundreds of thousands of Venezuelan TPS holders had been without status
27 as a result of the Supreme Court's [May 19] stay grant[.]" *Id.*

5. Defendants responded that the “website will not be updated”; “Defendants are assessing their obligations under [this Court’s] ruling”; the Court’s order did not include an express “injunctive order to immediately update the website”; and Defendants had filed a pending stay of judgment pending appeal. *Id.*

6. Plaintiffs’ Motion for Compliance seeks to remedy this harm and ensure compliance with this Court’s September 5, 2025 order by requesting that this Court order Defendants to revise the USCIS website to acknowledge the Court’s order and accurately reflect that the Secretary’s vacatur and termination decisions have been set aside.

7. On September 9, 2025 Plaintiffs’ counsel informed Defendants’ counsel that Plaintiffs intended to file a Motion for Compliance along with a Motion to Shorten Time that same day if Defendants did not correct the language on USCIS’s website. Defendants’ counsel responded: “Defendants dispute the allegations of noncompliance and will oppose both the motion for compliance as well as any associated motion to shorten time.”. *See* Decl. of MacLean, Ex. B.

8. Good cause exists for the parties to brief and for this Court to hear Plaintiffs’ Motion for Compliance on an expedited timeframe, as members of Plaintiff National TPS Alliance are suffering irreparable harm in violation of their fundamental reliance interests, as described in the Motion for Compliance, including loss of legal status and deprivation of their employment authorization and ability to work, as a result of Defendants’ failure to bring USCIS’s website into compliance with this Court’s September 5, 2025 Order.

9. Good cause also exists because this Court has already been briefed on and ruled on the issues relevant to the Motion for Compliance and now need only decide whether it is appropriate to order the relief requested by Plaintiffs to bring Defendants into compliance with the Court’s September 5, 2025 order.

10. For those reasons, Plaintiffs request that the Court order the following schedule:

- Defendants file their Response to Plaintiffs’ Motion to Shorten Time by September 10, 2025;
- Defendants file their Response to Plaintiffs’ Motion for Compliance by September 11, 2025; and

- 1 • Plaintiffs file their Reply in Support of their Motion for Compliance, if any, by
- 2 September 12, 2025, 12:00 pm PST.
- 3 11. There have been the following previous time modifications in this case:
- 4 • On February 25, 2025, the Court granted Plaintiffs' Motion to Shorten Time
- 5 regarding Plaintiffs' Motion to Postpone Effective Agency Action [ECF 45] for good
- 6 cause shown and advanced the parties' briefing schedule and hearing on the Motion
- 7 to Postpone. *See* ECF 51.
- 8 • On March 31, 2025, in response to Plaintiffs' Motion to Shorten Time to Confer
- 9 under Rule 26(f) (ECF 79), the Court ordered parties to meet and confer within a
- 10 week of its order. *See* ECF 93.
- 11 • On April 2, 2025, the Court granted Defendants' Motion to Shorten Time regarding
- 12 its Motion to Stay Pending Appeal to the Ninth Circuit (ECF 96), and denied
- 13 Plaintiffs' Motion for Extension of Time to file Response and Reply (ECF 98), thus
- 14 ordering Plaintiffs to file their Response on April 3, 2025. *See* ECF 99.
- 15 • On April 8, 2025, the Court advanced the Initial Case Management Conference from
- 16 May 20, 2025, to April 21, 2025. *See* ECF 107.
- 17 • On April 30, 2025, the Court granted the parties' Stipulated Cross-Motion Briefing
- 18 Schedule regarding the Parties' respective Motions for Summary Judgment ("MSJ"),
- 19 and ordered Plaintiffs to file their MSJ on May 26, 2025; Defendants to file their
- 20 Opposition to Plaintiffs' MSJ and their own MSJ on June 10, 2025; Plaintiffs to file
- 21 their Reply in further support of their MSJ and their Opposition to Defendants' MSJ
- 22 on June 20, 2025; Defendants to file their Reply in further support of their MSJ on
- 23 June 27, 2025; and set argument on the Parties' MSJs for July 11, 2025. *See* ECF 124.
- 24 • On May 9, 2025, the Court granted the Parties' Stipulated Motion to Dismiss and
- 25 Cross Summary Judgment Motion Briefing Schedule and ordered Plaintiffs to file
- 26 their MSJ on May 27, 2025, Plaintiffs to file their Opposition to Defendants' Motion
- 27 to Dismiss on May 28, 2025, and Defendants to file their Reply in support of their
- 28 Motion to Dismiss on June 10, 2025. *See* ECF 134.

- 1 • On May 22, 2025, the Court granted Plaintiffs' Motion to Shorten Time regarding
2 Plaintiffs' Motion to Preserve Status and Rights Under Section 705 (ECF 145) for
3 good cause shown and advanced the parties' briefing schedule and hearing on the
4 Motion to Postpone. *See* ECF 146.
- 5 • On May 27, 2025, the Court granted the Parties' Stipulated Briefing Schedule for
6 Parties' Cross-Motions for Summary Judgement and ordered Plaintiffs to file their
7 MSJ on June 3, 2025; Defendants to file their Opposition to Plaintiffs' MSJ and their
8 own MSJ on June 17, 2025; and Plaintiffs to file their Reply in further support of
9 their MSJ and their Opposition to Defendants' MSJ on June 27, 2025. *See* ECF 152.
- 10 • On June 17, 2025 Plaintiffs filed an Administrative Motion to Shorten Time with
11 respect to Plaintiffs Motion for Compliance with Court Order [ECF 200]. ECF 204.
12 On June 18, 2025, the Court granted Plaintiffs' Administrative Motion to Shorten
13 Time. ECF 207. The Government filed a response to Plaintiffs' Motion for
14 Compliance on June 20, 2025. ECF 212. Plaintiffs filed their reply on June 23, 2025.
15 ECF 213. The Court heard the Motion for Compliance on June 24, 2025. ECF 227.
- 16 • On July 7, 2025, Plaintiffs filed a Motion for Leave to File a Supplemental
17 Complaint. ECF 246. On July 8, 2025, the Court granted Plaintiffs' Motion (ECF
18 248), and Plaintiffs filed the Supplemental Complaint that same day (ECF 250). On
19 July 21, 2025, Defendants filed a renewed Motion to Dismiss the Supplemental
20 Complaint. ECF 262. The Court set the hearing for the renewed Motion to Dismiss on
21 August 1, 2025. ECF 263. The Court ordered that Plaintiffs file an Opposition to
22 Defendants Motion to Dismiss by July 28, 2025. ECF 263. The Court heard the
23 Motion on August 1, 2025. ECF 278.
- 24 • On August 5, 2025, the Court ordered supplemental briefing from the parties
25 regarding whether proceedings should be stayed until the Ninth Circuit issued an
26 opinion regarding the Court's Order on Plaintiffs' Motion to Postpone. ECF 269. The
27 parties filed supplemental briefing on August 7, 2025. ECF 271; 273. On August 25,
28 2025, the Court stayed all proceedings. ECF 276. Following an opinion from the

Ninth Circuit on August 29, 2025, (ECF 277), the Court granted Plaintiffs' Motion for Partial Summary Judgment and entered judgment in favor of Plaintiffs on September 5, 2025 (ECF 279).

- Defendants have filed a Motion to Stay the Court's Judgment (ECF 281), and the Court has ordered Plaintiffs to respond to Defendants' Motion by September 9, 2025 (ECF 283).

12. Granting Plaintiffs' Motion to Shorten Time and Set Briefing Schedule with respect to Plaintiffs' Motion to Shorten Time and Motion for Compliance will have minimal effect on the overall case schedule.

13. Based on the foregoing, and for good cause shown, Plaintiffs respectfully request that the Court modify the briefing schedule as set forth in paragraph 10 above.

Date: September 9, 2025

Respectfully submitted,

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2025, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

ACLU FOUNDATION
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/s/ Emilou MacLean
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